

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CRAIG HENRY,)	
)	Civil Action No. 05 - 648
Plaintiff,)	
)	Judge David S.Cercone /
v.)	Magistrate Judge Lisa Pupo
)	Lenihan
HARRY E. WILSON, Superintendent; CAROL)	
A. SCIRE, Grievance Coordinator; MR. REID,)	
BA-Unit Manager; MS. CLEVELAND, BA-Unit)	
Counselor; MARY ANN MISTRIK, Hearing)	
Examiner; MS. KERRI CROSS, Hearing)	
Examiner; LAUREZ R. HARRY, Program)	
Review Committee; BRADLEY NEWTON,)	
Program Review Committee; PSYCHIATRIST)	
SAAVEDRA, Medical Psychiatrist; STEVE)	
BENKO, Program Review Committee,)	
)	
Defendants.)	

ORDER

Plaintiff has filed two Motions for Temporary Restraining Order (Doc. Nos. 13 and 31). The Plaintiff seeks to be housed in a single cell during litigation of the complaint in this case to avoid psychological anguish rooted in a sexual assault while being double celled in the past. Both motions seek the same relief and cite the same reasons why relief should be granted. The most recent motion (Doc. No. 31), however, addresses the exact same issue as the earlier motion (Doc. No. 13) but provides a more current enumeration of events. Therefore,

IT IS ORDERED this 18th day of September, 2006, that Plaintiff's Motion for a Temporary Restraining Order (Doc. No. 13) is **DISMISSED as moot**. A report and recommendation on Plaintiff's second Motion for a Temporary Restraining Order (Doc. No. 31) shall be issued this same day.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days shall constitute waiver of the right to appeal.

s/Lisa Pupo Lenihan
LISA PUPO LENIHAN
United States Magistrate Judge

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